



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

SETH H. BRADSTREET III
COMMISSIONER

HENRY JENNINGS
DIRECTOR

April 30, 2009

Brian Chateauvert
RWC, Inc.
P.O. Box 876
Lockhouse Road
Westfield, MA 01086-0876

Dear Mr. Chateauvert:

This letter will serve as RWC's Chapter 22 variance permit for your 2009 railroad vegetation control program. As you may recall, the Board has authorized the staff to approve repeat variances requests when no problems were encountered in previous years. Please bear in mind that RWC's variance permit requires company personnel to adhere to the measures outlined in Section X of the permit application.

We will alert the Board at its May 8, 2009, meeting that the variance permit has been issued. If you have any questions concerning this matter, please feel free to contact me at 287-2731.

Sincerely,

Henry Jennings
Director
Maine Board of Pesticides Control



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April 30, 2009

Brian Chateauvert
RWC, Inc.
P.O. Box 876
Lockhouse Road
Westfield, MA 01086-0876

Dear Mr. Chateauvert:

This letter will serve as RWC's Chapter 29 variance permit for your 2009 railroad vegetation control program. As you may recall, the Board has authorized the staff to approve repeat variances requests when no problems were encountered in previous years. Please bear in mind that RWC's variance permit requires company personnel to adhere to the measures outlined in Section IX of the permit application.

We will alert the Board at its May 8, 2009, meeting that the variance permit has been issued. If you have any questions concerning this matter, please feel free to contact me at 287-2731.

Sincerely,

Henry Jennings
Director
Maine Board of Pesticides Control



RWC. INC.

MAIN OFFICE
248 LOCKHOUSE RD. P.O. BOX 876/WESTFIELD, MA. 01086-0876

OHIO OFFICE
6210 FROST ROAD/WESTERVILLE, OH 43082-9027

March 16, 2009

Mr. Henry S. Jennings
Director of Board of Pesticides
Maine Department of Agriculture
Food & Rural Resources
Deering Bldg. (AMHI)
State House
Station 28
Augusta, Maine 04333

SUBJECT: Railroads of Maine – WEED, GRASS & BRUSH CONTROL

Dear Mr. Jennings:

Please find enclosed the "Application for Variance Permit" (Pursuant to Chapter 29, Section 6) which I have completed, the original and four copies. RWC, Inc. will plan to advertise in five newspapers of statewide circulation and notify those towns that the railroads run through. Included in this letter will be a form to post as they see fit on the public bulletin board with information concerning the spray program. The newspaper advertisement will be done approximately one week before the spray season and the letters will be sent out two weeks prior to the start of the spray program.

RWC, Inc. will incorporate a 10 foot buffer strip from water into all work performed in the State of Maine Vegetation Programs but in the case of a public water supply (such as Sebago Lake) for a distance of one half mile before the site and one half mile beyond using 41% Glyphosate only. The treatment area shall be limited to the ballast area of the roadbed extending laterally no further out beyond the rails than is necessary to effect proper inspection. This would be approximately the equivalent to the area covered by the middle three (3) nozzles as depicted in the "Typical Spray Pattern" shown in Figure 2 attached to the permit application. RWC will also provide notice to the Board's Staff specifying the herbicide mixes to be applied on each rail line if awarded the contract plus call at the conclusion of each day's spray activity to the Board of Pesticides main phone line to leave a message indicating the next day's area to be sprayed. I am including labels and MSDS on the products RWC, Inc. will be using (once approved) in our spray programs.

RWC, INC.

Mr. Henry S. Jennings
March 16, 2009
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Should you have any questions concerning the above, please do not hesitate to contact me at (800) 628-9368 or my cell phone (413) 626-6001.

Sincerely,

A handwritten signature in cursive script that reads "Brian S. Chateauvert". The signature is written in black ink and is positioned to the right of the typed name.

Brian S. Chateauvert

Enclosures

- V. Approximate dates of spray application: June 2 through July 31, 2009
- VI. Application Equipment: Hy-rail Truck Equipment with fixed mounted booms approximately 18 inches above the rail.
- VII. Standard(s) to be varied from: Refer to Section 2:
Standards of conduct for Pesticide Applications
D. Identification of Sensitive Areas
- VIII. Reason for variance: Railroads run through towns and along side rivers, lakes, ponds and streams. It would be an extreme hardship to the railroad to note each sensitive area – the abutting property owners (homes, buildings, apartments or other dwellings). RWC, Inc. chooses products that have been proven safe when applied according to the label. Because of the rates used and following the regulations of the State of Maine as to buffer zones where no spraying occurs, RWC, Inc. feels these products or combinations of these products in conjunction with an IPM Program will minimize risk for the general public and the environment.
- IX. Method to assure equivalent protection: The railroads patrolmen have track charts which show rivers, streams, ponds, road crossings, etc. He normally is in a track vehicle running ahead of the spray unit and through the use of radio communication, gives a warning signal where there are culverts, bridges with running water underneath, and other sensitive areas adjacent to the track. RWC, Inc. has mounted in cab controlled gutters on the rear of our equipment to assure that no pesticides drip or enter the waterways of the State of Maine when going over the bridges. RWC, Inc. will leave a buffer of ten feet (10') from lakes, rivers, streams and surface waters and in the case of a public water supply will only apply 41% Glyphosate, for a distance of one half mile before the site and one half mile beyond. Within the ten-foot (10') buffer, alternative methods will have to be employed to control vegetation. RWC, Inc. will use drift control agents to reduce the chance of drift and enlarged droplet size continue using nozzles that enlarge droplet size, continue to use sticker-spreader-extender to adhere spray materials to ground or leaf surface, continue to use low volatile chemical, continue to advertise in five newspapers of statewide circulation, continue to notify those towns that the railroads run through and include a pesticide application form to post with information concerning the spray program if only if awarded the contract.

Signed: _____ Date: _____

Return completed form to: **Board of Pesticides Control, 28 State House Station, Augusta, ME 04333-0028**

OR E-mail to: pesticides@maine.gov

- VI. Application Equipment: Hy-rail Truck Equipment with fixed mounted booms approximately 18 inches above the rail.
- VII. Standard (s) to be varied from: Chapter 22, Section 2 (D) Identification of Sensitive Areas.
- VII. Reason for variance: Railroads run through towns and along side rivers, lakes, ponds and streams. It would be an extreme hardship to the railroad to note each sensitive area – the abutting property owners (homes, buildings, apartments or other dwellings). RWC, Inc. chooses products that have been proven safe when applied according to the label. Because of the rates used and following the regulations of the State of Maine as to buffer zones where no spraying occurs, RWC, Inc. feels these products or combinations of these products in conjunction with an IPM Program will minimize risk for the general public and environment.
- VIII. Method to assure equivalent protection: The railroads patrolmen have track charts which show rivers, streams, ponds, road crossings, etc. He normally is in a track vehicle running ahead of the spray unit and through the use of radio communication, gives a warning signal where there are culverts, bridges with running water underneath, and other sensitive areas adjacent to the track. RWC, Inc. has mounted in cab controlled gutters on the rear of our equipment to assure that no pesticides drip or enter the waterways of the State of Maine when going over the bridges. RWC, Inc. will leave a buffer of ten feet (10') from lakes, rivers, streams and surface waters and in the case of a public water supply will only apply the product RAZOR (41% Glyphosate, because of its ability to bind to the soil) for a distance of one half mile before the site and one half mile beyond. Within the ten-foot (10') buffer, alternative methods will have to be employed to control vegetation. RWC, Inc. uses drift control agents to reduce the chance of drift to non-target areas and rain fast products such as spreaders and stickers that help make the herbicide adhere to the ground and plant surface. We will continue to use low pump pressures (20-60 PSI) nozzles that produce larger droplet sizes and to monitor weather conditions to prevent off-target runoff. RWC, Inc. will also plan as we have done in the past to advertise in five newspapers of statewide circulation and notify the affected communities in advance of our applications if awarded the contract.

Signed: _____ Date: _____

Return completed form to: **Board of Pesticides Control, 28 State House Station, Augusta, ME 04333-0028**

OR E-mail to: pesticides@maine.gov

ANTICIPATED START DATE: JUNE 2, 2009

ANTICIPATED COMPLETION DATE: JULY 31, 2009

RAILROADS

1. PAN AM RAILWAYS
2. BELFAST, MOOSEHEAD LAKE RAILROAD
3. PRESQUE ISLE INDUSTRIAL
4. MONTREAL, MAINE & ATLANTIC RAILROAD
5. STATE OF MAINE-OWNED RAILROAD LINES
6. MAINE EASTERN RAILROAD
7. ST. LAWRENCE & ATLANTIC RAILROAD
8. TURNER ISLE LLC
9. TOWN OF FT. FAIRFIELD-OWNED RAILROAD
LINE
10. EASTERN MAINE RAILROAD

PLEASE CONTACT BRIAN CHATEAUVERT AT RWC, INC.
SHOULD YOU HAVE ANY QUESTIONS CONCERNING THIS
PROGRAM - (413) 562-5681.

**RWC, INC.**MAIN OFFICE
248 LOCKHOUSE RD. P.O. BOX 876/WESTFIELD, MA. 01086-0876OHIO OFFICE
6210 FROST ROAD/WESTERVILLE, OH 43082-9027

March 16, 2009

Dear Town Official:

Enclosed please find RWC, Inc. notice of intended applications regarding the start of our annual Railroad Spray Program for the control of unwanted vegetation on the ballast, shoulder and berm area of the railroads listed below:

Pan Am Railroad, Belfast Moosehead Lake, Presque Isle Industrial, Montreal, Maine & Atlantic Railway, State of Maine owned Railroad Tracks, Maine Eastern Railroad, St. Lawrence & Atlantic Railroad, Turner Island LLC, Town of Ft. Fairfield owned Railroad Tracks and Eastern Maine Railway.

You are receiving this notice because RWC, Inc. has scheduled spraying within your community on one of railroads listed above. The materials being used this year are approved for use in the State of Maine and may include the following: 41% Glyphosate, Oust XP, Arsenal, Escort, Weedstroy 40 and Edict 2SC. These materials are used at low rates either by themselves or in combinations in 30-100 gallons of water per acre.

Application will begin on or about the week of June 2, 2009. All crews are required to be licensed to apply herbicides and to adhere to all State and Federal guidelines pertaining to applications of herbicides to railroad rights-of-way in the State of Maine.

Should you have any questions concerning the above, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Brian S. Chateauvert".

Brian S. Chateauvert
Vice President
RWC, Inc.
Phone: (413) 562-5681
Fax: (413) 568-5584